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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,018

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Kjell Lindskog

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EXAMINER

NGUYEN, NAM V

ART UNIT

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2612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/502,018	Applicant(s) LINDSKOG, KJELL	
	Examiner NAM V. NGUYEN	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This communication is in response to applicant's Amendment which is filed June 7, 2011 by a request for continued examination.

An amendment to the claim 1 has been entered and made of record in the application of Lindskog for a "method for opening a transportable container".

Claims 1-20 are now pending in the application.

Response to Arguments

Applicant's arguments with respect to claims 1-20, filed June 7, 2011 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trent et al. (US# 7,212,098) in view of Lacombe et al. (US# 6,430,689).

Referring to claim 1, Trent et al. disclose a process of opening a container (110) for a transportation of a valuable objects or valuable documents (column 2 lines 5 to 27; see Figures 1 to 6);

wherein the container (110) includes a logic circuit of a controller (120) (i.e. a first electronic unit) which functions to allow deactivation of an alarm system (162) and/or opening of the container (110) (column 3 lines 60 to column 5 line 21; see Figures 1-2), and

wherein a data carrying card (see Figure 13) (i.e. a first container-opening key) includes a logic circuit contains in the data carrying card (i.e. a second electronic unit) adapted to communicate with the controller (120) (i.e. a first electronic unit) when initiating opening of said container (110),

characterized by a step of using a second part of code using the stationary computer (101) with a code entry via the data cable (102) connects to socket (128) (i.e. a stationarily disposed second key) together with the data carrying card (i.e. the first key) for simultaneously completing the full code-set (ABCD) required to initiate deactivation of said alarm system (162) and/or opening of the container (110) without destroying the valuable objects or documents within said container (110), said second part of code using the stationary computer (101) (i.e. said stationarily disposed second key being fixedly mounted) within a desired destination such as bank (i.e. a predetermined location) in which the container (110) is to be opened (column 8 lines 43 to column 9 lines 5; column 9 line 57 to column 10 line 9; column 13 lines 15 to 30; see Figures 1-3 and 13).

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However, Trent et al. did not explicitly disclose that said container including means for destroying the valuable objects or documents contained therein unless said alarm system is deactivated by a full code-set (ABCD) when opening the container.

In the same field of endeavor of securely transporting objects in a container, Lacombe et al. teach container (1) including means for destroying the valuable objects or documents contained therein unless said alarm system is deactivated by both smart card (11) and use's confidential code (i.e. a full code-set (ABCD)) when opening the container (1) (column 4 lines 31 to 47 and column 5 lines 29 to 40) in order to improve efficient protection against logical and physical aggression.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize constructing to detect an intrusion attempt and destroy the materials in the container if said intrusion is detected taught by Lacombe et al. with the controller generated a control signal and allow access to the interior of the container in response to occurrence of a coincidence between a data key received from the host computer among the data signals via the port of Trent et al. because constructing to detect an intrusion attempt and destroy the materials in the container if said intrusion is detected would avoid potential thief and improve security during the transporting of money from a place of business to the desired destination.

Referring to Claims 2-3 and 11, Trent et al. in view of Lacombe et al. disclose the process according to Claim 1, Lacombe et al. disclose the container 1 requires encrypted smart card 11 with secret key K and another confidential code secret code 12 at the same time before permitting access to the container (column 4 line 55 to 67; column 5 lines 29 to 40). Same as

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disclosed in Trent et al, in the event that the subject container (110) is in the dual security mode as in S320, then two parts of a code must be entered into a coupled graphical user interface/input unit at S420. This two part code may consist of live entry of a password as well as a data carrying card credential or presentation of biometric data via a biometric reader to authenticate the user and thus complete code entry described by S422 (column 13 lines 24 to 30; see Figure 13) in order to require to initiate deactivation of said the alarm (162) and/or the electromechanical latch (163) for opening of the container (110).

Referring to Claim 4, Trent et al. in view of Lacombe et al. disclose the process according to Claim 1, Trent et al. disclose that in the event that the subject container (110) is in the dual security mode as in S320, then two parts of a code must be entered into a coupled graphical user interface/input unit at S420. This two part code may consist of live entry of a password as well as a data carrying card credential or presentation of biometric data via a biometric reader to authenticate the user and thus complete code entry described by S422 (column 13 lines 24 to 30; see Figure 13) in order to require to initiate deactivation of said the alarm (162) and/or the electromechanical latch (163) for opening of the container (110) at the desired destination (column 9 lines 31 to column 10 line 11).

2. Claims 5-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trent et al. (US# 7,212,098) in view of Lacombe et al. (US# 6,430,689) as applied to Claim 1, and in further view of Kniffin et al. (US# 5,705,991).

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Referring to Claim 5, Trent et al. in view of Lacombe et al. disclose the process according to Claim 1, however, Trent et al. in view of Lacombe et al. did not explicitly disclose that characterized by the step of transferring from the first key to the second key a subset of the complete code-set when said first key is used together with the second key for the first time, said code subset is thereafter found only in the second key.

In the same field of endeavor of securely transporting objects in a container, Kniffin et al teach that the identification devices at the various delivery stops (i.e. second key) are reprogrammable devices {see Kniffin et al, column 9, lines 18-22+}. That, "programming instructions and authorization data are disseminated manually, such as by keys (i.e. master keys) with programming capabilities" {see Kniffin et al, column 5, lines 8-11}. This implies that master keys (i.e. claimed first key) are used to program other keys in the system of Kniffin et al (These types of keys are discussed in the patents cited in column 6, lines 18-26 of Kniffin et al, wherein one of the patents {Imran} is cited previously) and considered as functionally equivalent to the claimed "the first key transfers to the second key (20) a unique subset (CD) of the complete code-set (ABCD)". Kniffin et al does not explicitly disclose, "the master key (first key) programs other keys (i.e. second key (20)) when used for the first time". The Examiner is taking Official notice that an ID device (i.e. claimed second key) is programmed with an ID code when used for the first time. As such, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include "the master key (first key) programs other keys (i.e. second key (20)) with an ID code when used for the first time" in the system of Kniffin et al because this will ensure that the correct ID code is transmitted by the ID device.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize transferring or programming the other keys with the master keys in the system of Kniffin et al. with the electronic keys for opening of the container using plurality of codes of Trent et al. in view of Lacombe et al. because using the master keys to program other keys at the beginning of operating the container would improve convenient for user in programming the other keys in the container.

Referring to Claim 5, Trent et al. in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al. disclose the complete code-set (ABCD) required for initiating opening of the container 62 opens dialog-like communication with the electronic unit (2) of the container 62 for allowing opening of the container 62 to be completed, through the medium of code interplay, such as via radio transmissions as shown in Figures 1-4. Also see Kniffin et al, column 3, lines 32-45.

Referring to Claims 7 and 8, Trent et al. in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al does not disclose "an attempt to invalidate said stationary installation will result in the destruction of a code subset (CD) contained in the second key (20)" or "damage to a casing (21) containing the stationary second key (20) will result in the destruction of a code subset (CD) contained by the second key (20)", again, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, that if the proximity card of Kniffin et al is damaged or broken, then the circuitry within the card will also be damaged. When the circuitry of the card is damaged, then it will not function accordingly and

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will not be able to communicate with the access control device 64. As such, damage to the circuitry will also result in the destruction of the code contained by the proximity card.

Referring to Claim 9, Trent et al. in view of Lacombe et al. disclose the process according to Claim 1, Kniffin et al. discloses stationary second keys are installed in a number of spaces included in the transportation route of transportable containers 62 {see Kniffin et al, column 9, lines 11-22}

Referring to Claims 10 and 12-20, Trent et al. in view of Lacombe et al. disclose the process according to Claims 1 and 2-9, Trent et al. in view of Lacombe et al. and Kniffin et al. disclose an arrangement for carrying out the process according to claims 1-4, 9 and 11 except "said electronic unit (22) is encapsulated in a casing (21)". The Examiner is taking Official notice that electronic devices are encapsulated in a casing to protect the circuitry of the electronic device from damage. Therefore, although Trent et al. in view of Lacombe et al. and Kniffin et al does not disclose "said electronic unit (22) is encapsulated in a casing (21)", it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to encapsulate the data carrying card of Trent et al. in view of Lacombe et al. and Kniffin et al in a casing because the casing will advantageously be utilized to protect the ID device circuitry or the data carrying card circuitry from damage.

Double Patenting

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The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4, 6 and 9-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 9 of copending Application No. 10/502,020 {hereinafter '020'}. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the present invention and '020' are claiming the same subject matter, namely, a process and apparatus for providing security to a transportable container using the combination of two key ID codes to initiate deactivation of an alarm installed in the container and/or opening the container. A portable first key carried by a user supplies the first key code and in combination with the first key code, a second key code is supplied at the destination by a second key installed in the premises, to complete a code-set for initializing opening/deactivation of said container.

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In this case, claim 1 of '020' reads on claims 1, 3, 6 and 11 of the present invention. Claim 2 of '020' reads on claim 2 of the present invention. Claim 4 of '020' reads on claim 4 of the present invention. Claim 3 of '020' reads on claim 9 of the present invention. Claim 9 of '020' reads on claims 10 and 12-20 of the present invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V. Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Nam V Nguyen/
Examiner, Art Unit 2612